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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,886	06/28/2006	Arjan Claassen	NL040013	1880
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RYAN, PATRICK A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,886

**Applicant(s)**

CLAASSEN ET AL.

**Examiner**

PATRICK A. RYAN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is made in response to Application Serial Number (10/596886) filed June 28, 2006. A preliminary amendment to Claims 4, 5, 8, and 9, filed June 28, 2006, in order to remove multiple dependencies within the claims has been accepted. As amended, Claims 1 through 11 are presented for examination.

### ***Priority***

2. The instant application is a 371 of PCT/IB04/52914, filed December 23, 2004. PCT/IB04/52914 claims priority to European Patent document (EPO) 04100045.6 filed January 9, 2004.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 5-11 rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al., United States Patent Application Publication (2002/0059621 A1), hereinafter "Thomas".

5. In regards to Claim 1, Thomas teaches a method for a media-on-demand server of handling streaming of media based on at least one media request received from at least one user operated client (as described in Paragraphs [0078-0108]; with further reference to Figs. 7C, 8, and 9), wherein the server receives at least one media request

from a particular user operated client and streams media to the user operated client (requested video-on-demand (VOD) programs are delivered from Distribution Server 180 to Display Screen 600 of User Equipment 160, as described in Paragraphs [0081] and [0098]; with further reference to Figs. 1 and 6), wherein the handling of streaming comprises using a presence service adapted for determining a presence status of a user operating the client and only streaming user-requested media if the user has a predefined presence status (User requested media is distributed to User Equipment 160 following a login identification process, as described in Paragraph [0080]; with further reference to Fig. 9, as described in Paragraphs [0101-0108]).

6. In regards to Claim 2, Thomas teaches a method according to Claim 1, wherein the method comprises storing the media requests received by the user operated clients in a playback list, the list indicating the order in which the media requests are to be streamed (Fig. 7C describes the Relocation Process: If a user wishes to relocate or leave the User Equipment 160, Choose Relocate Feature 762, which causes the current on-demand video stream to be saved in Save Current Position 763, as described in Paragraphs [0093-0096]. In addition, multiple programs can be saved by the user and selectively queued by the user at a later time, as described in Paragraph [0090]), and wherein a media request is kept in the playback list and only streamed if the user has the predefined presence status (User requested media is distributed to User Equipment 160 following a login identification process, as described in Paragraph [0080]; with further reference to Fig. 9, as described in Paragraphs [0101-0108]).

7. In regards to Claim 3, Thomas teaches a method according to Claim 1, wherein the method comprises storing the media requests received by the user operated clients in a playback list, the list indicating media requests to be streamed at predefined time slots (Fig. 7C describes the Relocation Process: If a user wishes to relocate or leave the User Equipment 160 than Choose Relocate Feature 762 causes the current on-demand video stream to be saved in Save Current Position 763, as described in Paragraphs [0093-0096]. When the user returns to the current device of relocates, the user may start the previous on-demand video stream at the previous pointer location, as described in Paragraph [0098]. In addition, multiple programs can be saved by the user and selectively queued by the user at a later time, as described in Paragraph [0090]), wherein a media request is only streamed at a predefined time slot, if the user has the predefined presence status (User requested media is distributed to User Equipment 160 following a login identification process, as described in Paragraph [0080]; with further reference to Fig. 9, as described in Paragraphs [0101-0108]).
8. In regards to Claim 5, Thomas teaches a method according to Claim 1, wherein the predefined presence status indicates that the user is present at the client (Identify Current User 771 and 772 of Fig. 7C involve providing the current user with the ability to log into the on-demand media system, which indicates that the user is present at the current location, with reference to Paragraphs [0094-0098]).
9. In regards to Claim 6, Thomas teaches a media-on-demand server for handling streaming of media based on at least one media request received from at least one user

operated client (Network Topology 100 of Fig. 1, as described in Paragraphs [0036-0050] and as further detailed in Fig. 2, as described in Paragraphs [0051-0061]), wherein the server comprises: means for receiving at least one media request from a particular user operated client (Remote Server Network 210 provides on-demand media content to User Equipment 260 and 265, as described in Paragraph [0059]; with further reference to Paragraph [0084]), means for streaming media to a rendering system operated by a user (Communications Network 270 of Fig. 2, as described in Paragraph [0058]), means for determining a presence status of the user operating the client (Remote Server Network 210 provides access to on-demand media content to User Equipment 260 and 265, as described in Paragraph [0059]. In addition, Distribution Server 180 of Fig. 1 or other suitable server is used to authorize and login a user, as described in Paragraph [0081]).

10. In regards to Claim 7, Thomas teaches a media on demand server according to claim 6, wherein the server further comprises: means for storing the media requests received by the user operated clients in a playback list, until the media has been streamed (Fig. 7C describes the Relocation Process, as performed by Remote Server Network 210 of Fig. 2, as described in Paragraph [0092]: If a user wishes to relocate or leave the User Equipment 160 than Choose Relocate Feature 762 causes the current on-demand video stream to be saved in Save Current Position 763, as described in Paragraphs [0093-0096]).

11. In regards to Claim 8, Thomas teaches a media on demand server according to Claim 6, wherein the server further comprises: means for streaming user requested

media if the presence status of the user is a predefined presence status (Remote Server Network 210 of Fig. 2, as described in Paragraph [0087]. When the user returns to the current device or relocates, the user may start the previous on-demand video stream at the previous pointer location, as described in Paragraphs [0092] and [0098]. In addition, multiple programs can be saved by the user and selectively queued by the user at a later time, as described in Paragraph [0090]).

12. In regards to Claim 9, Thomas teaches a media-on-demand server according to Claim 6, wherein the means for determining the presence status of the user operating the client comprises a presence status client adapted for receiving a user specific presence status from a presence status server connected to the media-on-demand server (A server such as Distribution Server 180 is used to perform authorization functions, such as that of Fig. 9 with reference to the description of Paragraphs [0101-0105]).

13. In regards to Claim 10, Thomas teaches a user operated client to be used for requesting media to be streamed by a media-on-demand server (User Equipment 160 of Fig. 1, as further detailed in Fig. 2 elements 260 and 265, as described in Paragraphs [0041, 0053-0057]), wherein the client comprises: means for transmitting a media request to the server (Set-top Boxes 263 and 268, as described in Paragraph [0056]), means for indicating a presence status of a user to the server (User enters login information using Remote Control 300 and Display Device 262, as described in Paragraph [0080]; with further reference to Fig. 5B Region 553), means for receiving

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and rendering media from the server (Set-top Boxes 263 and 268, as described in Paragraph [0056]), wherein the server is adapted for streaming user requested media if the indicated presence status is a predefined presence status (A server such as Distribution Server 180 is used to perform authorization functions, such as that of Fig. 9 with reference to the description of Paragraphs [0101-0105]).

14. In regards to Claim 11, Thomas teaches a user operated client according to Claim 10, wherein the means for indicating a presence status of the user operating the client comprises client status adapted for transmitting user specific presence status to a presence status server connected to the client (A server such as Distribution Server 180 receives login and authorization information, as described in Paragraphs [0101-0105]; with particular reference to Step 904 or 904, as described in Paragraph [0104-0107]).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, in view of Knudson et al., United States Patent (6,016,141), hereinafter "Knudson".

17. In regards to Claim 4, Thomas teaches a method according to Claim 2 and further teaches denying a user access to the on-demand server if the user has not been given rights for the desired data or media, as disclosed in Paragraph [0104].

Thomas does not explicitly teach wherein the media request is cancelled by removing the media request from the playback list if the user does not have the predefined presence status.

In a similar field of invention, Knudson teaches a method of providing pay programming for purchase from a program guide. In addition, Knudson's method involves monitoring whether a user has watched any of the programs. If a determination is made that a user has not watched most or all of the purchased pay programming, then the order can be cancelled and the user can be provided with the opportunity to reschedule (with reference to Knudson Abstract, Col. 8 Lines 45-65, and Figs. 6 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the method of streaming media from a server and storing the current playback position based on the login status of a user, as taught by Thomas, with the method of cancelling and rescheduling user requested media if the user is not present during the presentation, as taught by Knudson, so that a user is not charged for programming they have paid for but have not watched (as Knudson describes in Col. 2 Lines 3-28).

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Best, JR. et al., United States Patent Application Publication (2005/0034147 A1), teach a method and system for detecting the presence of a user and performing a specific task based on the detection of a user (Abstract).

20. Rosenberg et al., United States Patent (7,325,043 B1), teach a system and method for providing a personalized media service to a user. The system allows a user to create customized personal channels based on a profile. In addition, these personal channels may be configured into play lists (Abstract, with further reference to Fig. 12A and 12B).

21. Hassel et al., United States Patent Application Publication (2003/0154477 A1), teach a method and system that allow a user to create "super-programs" for playback of a sequence of stored programs or program segments (Abstract). The user can select and schedule programs for playback by way of a program guide, such as that of Fig. 7a.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./  
Examiner, Art Unit 2623  
Wednesday, July 30, 2008

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623